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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

UNITED STATES OF AMERICA

3:20-cr-00298-SI-001

v.

**GOVERNMENT'S SENTENCING
MEMORANDUM**

EDWARD THOMAS SCHINZING,

Defendant.

Introduction

The United States of America submits the following memorandum recommending defendant be sentenced to the low end of the guideline range.

Factual Background

A. The Offense Conduct

The Presentence Report (PSR) summarizes the offense conduct with respect to defendant. PSR ¶¶ 11-33.

On May 29, 2020, several hundred people gathered for a protest event near Peninsula Park at 700 N Rosa Parks Way, Portland, Oregon (hereinafter, “Peninsula Park”). A review of several publicly available videos and photos shows the crowd walk from Peninsula Park to the Multnomah County Justice Center (“Justice Center”) located at 1120 SW Third Avenue, Portland, Oregon that evening. According to the time the videos were posted online, it appears the crowd crossed the Burnside Bridge at about 10:35 p.m. The picture below shows the crowd in the area of the Burnside Bridge.



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According to video from a surveillance camera, along with video recordings captured by other individuals and posted online to publicly available websites, the crowd of people from Peninsula Park arrived and gathered in front of the Justice Center around 10:55 p.m. At about 10:59 p.m., several people broke windows near the northwest corner of the Justice Center where the Corrections Records Office was located. Three civilian Multnomah County employees were working inside the Corrections Records Office at the time and fled for safety as the windows were broken.

Approximately thirty people subsequently entered the secured office, where they had no authorization to be, via those broken windows. The individuals spray-painted portions of the office, damaged computer equipment and other office equipment and furniture, damaged interior windows, and started fires within the office. The fuel for these fires appears to be readily available ordinary combustibles within the Corrections Records Department, ignited by an introduced open flame. It is unclear whether accelerants were introduced to fuel the fire.

Defendant destroyed property in the Corrections Records Office without a shirt on and wearing a distinct orange hat backwards. He left the office at one point but returned to it later wearing a dark shirt and the same distinct orange hat. At that point, he spread a fire near the front of the office by lighting additional papers on fire and moving flaming papers into a drawer of a separate cubicle:





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At about 11:08 p.m., the building's fire sprinkler system for the Corrections Records Office activated and extinguished the fires. At about the same time, law enforcement officers secured that portion of the Justice Center. The Justice Center housed approximately 289 inmates that night.

The damage consisted of smoke and water damage, along with charring to ordinary combustibles such as paperwork and window coverings, and charring to office furniture and other office items as depicted below.





On July 2, 2020, defendant was arrested and interviewed by agents from the ATF and FBI. Defendant stated that he was homeless, did not have a phone, and was intoxicated when protesters marched by the location where he had set up his tent. He said that he did not know about the murder of George Floyd at the time, but joined the march. He identified himself in photographs at the Justice Center.

B. The Charges

On July 27, 2020, a criminal complaint was filed, charging defendant with one count of Arson, in violation of 18 U.S.C. § 844(f)(1).

On August 5, 2020, a federal grand jury returned a one-count indictment, charging defendant with the same offense.

C. The Plea Agreement & Guideline Computations

On September 30, 2020, defendant pled guilty to count one of the indictment pursuant to a plea agreement.

The government recommends the following guideline computations:

Enhancement	Government's Position
Base Offense Level — USSG § 2K1.4(a)(2)	20 (not contested)
Acceptance of Responsibility— USSG § 3E1.1	-3 (not contested)
18 U.S.C. § 3553(a) —	-4 (not contested)
Government's Total Offense Level	13
Criminal History Category	IV (PSR ¶ 66)
Resulting Guideline Range	24-30 months

Argument

A. Contested Guideline Issues

The government is not aware of any contested guideline issues.

B. Government's Recommended Sentence

The government recommends a sentence at the low end of the advisory guideline range.

Defendant was one of approximately six people who started and spread a fire and thereby caused damage to the Justice Center building and destroyed personal property owned and possessed by Multnomah County. Defendant's conduct occurred while approximately 289 inmates were housed at the facility.

Defendant was not a leader or organizer of the riot that occurred on May 29, 2020, at the Justice Center, and he appears to have been intoxicated and participated simply to engage in destructive behavior. He is the only one to be charged federally from the fire that night. When interviewed by federal agents, defendant identified himself in photographs and explained what he recalled about the events leading up to the riot and in the days after.

After being charged, defendant admitted his conduct and entered a guilty plea within 60 days without filing any motions. He has remained in custody and will have spent just over 13 months in custody by the sentencing date.

C. Restitution & Forfeiture

The parties are negotiating the restitution amount and expect to return to the Court with a proposed figure for restitution within 90 days of the sentencing hearing.

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Conclusion

Based on the foregoing, the government recommends that this Court impose a sentence at the low end of the advisory guideline range, followed by a three-year term of supervised release subject to the standard conditions and the special condition of up to four months in transitional housing at the direction of the U.S. Probation Office.

Dated: August 26, 2021

Respectfully submitted,

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/s/ William M. Narus
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Assistant United States Attorney